

REMARKS

The Examiner is courteously thanked for the telephone interview conducted with Applicants' attorney on April 29, 2004.

Reconsideration of the application is respectfully requested. In this application, Claims 1-23 are currently pending. Claims 1 and 15 are independent.

In the Office Action, Claims 1 and 4-14 were again rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,517,507 ("*Needham et al.*") in view of U.S. Patent No. 5,878,277 ("*Ohta*"). Claim 2 was again rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Needham* in view of *Ohta* and further in view of U.S. Patent No. 5,995,496 ("*Honkasalo et al.*"). Claims 3 and 15-23 were again rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Needham* in view of *Ohta* and *Honkasalo*, and further in view of U.S. Patent No. 6,108,530 ("*Ayabe et al.*").

The present application discloses a method for transmitting user data on a reverse common channel in a mobile communication system without a reverse dedicated channel. The user data is divided into a plurality of segmented messages if the user data is longer than a data segment in a frame of the reverse common channel. The plurality of segmented messages are then transmitted in the data segments of consecutive frames on the reverse common channel. It is then determined whether a base station has received each of the segmented messages.

In Code Division Multiple Access (CDMA) technology, the reverse link includes physical channels such as common reverse channels and dedicated reverse channels. The common reverse channels further include a reverse access channel, a reverse enhanced access channel, and a reverse common control channel. The dedicated reverse channel further includes a reverse pilot channel, a reverse supplemental channel, a reverse dedicated control channel, and a reverse fundamental channel. In operation, there may be many unique ways of utilizing these channels.

As indicated above, independent Claims 1 and 15 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Needham* in view of *Ohta*, and under 35 U.S.C. §103(a) as allegedly being unpatentable over *Needham* in view of *Ohta* and *Honkasalo*, and further in view of *Ayabe*, respectively. Claims 1 and 15 are respectively directed to a method of transmitting user data on a reverse common channel with a reverse dedicated channel released, comprising, inter alia, *designating the reverse common channel to the reverse dedicated channel*, and a method for receiving messages via consecutive frames on *a designated reverse common channel*.

Although the Examiner still cites *Ohta* as disclosing designating the reverse common channel to the reverse dedicated channel, as was indicated in the previous response, it is respectfully submitted that *Ohta* does not disclose *designating the reverse common channel to the reverse dedicated channel*. Rather, the Examiner even states that *Ohta* teaches a communication system having at least two types of communication channels, one of which is a dedicated channel

and the other of which is a common communication channel. Further, *Ohta* teaches that a control unit selects one of these channels in response to a communication request.

In the present invention, as recited in Claim 1 and 15, the reverse common channel is used as a dedicated channel. However, in *Ohta*, the control unit selects either the dedicated or common channel. Therefore, it is respectfully submitted that these features disclosed in *Ohta* are not equivalents of *designating the reverse common channel to the reverse dedicated channel*, as disclosed in claims 1 and 15 of the present application.

Further, *Needham* is completely silent with respect to the reverse common channel and the reverse dedicated channel or how these different channels are utilized during the communication or uplink transmission. In addition, *Honkasalo* and *Ayabe* do not disclose what *Needham* and *Ohta* fail to disclose. Accordingly, it is submitted that Claims 1 and 15 are not obvious over *Needham*, *Ohta*, *Honkasalo*, and *Ayabe*, alone or in combination.

Additionally, as indicated above, a telephone interview was conducted between Examiner Charles Chow and Attorney Douglas M. Owens, in an effort to try to explain the present invention to the Examiner. Unfortunately, it appears the Examiner is having trouble understanding the invention as claimed.

More specifically, from the conversations with the Examiner, it is respectfully submitted that the Examiner does not understand the technology of the present invention. For example,

referring to the Interview Summary prepared by the Examiner, a copy of which is enclosed herewith, the Examiner states that any assigning of a traffic data channel to a user terminal by commonly shared channels reads on *designating the reverse common channel to the reverse dedicated channel*. It appears that the Examiner does not understand that even though a user terminal is assigned to a common channel, the channel remains a common channel. The Examiner assumes that once a common channel is assigned to a user terminal it becomes a dedicated channel, which is not true. The 3GPP Specification defines these channels as follows:

Common Channel: A channel not dedicated to a specific UE.

Dedicated Channel: A channel dedicated to a specific UE.

It should also be pointed out that “assigning” and “dedicating” are not analogous terms. A common channel can be assigned to a number of UEs, whereas a dedicated channel is dedicated to a single UE. Therefore, it is again respectfully submitted that the alleged assigning step in *Ohta*, does not read on *designating the reverse common channel to the reverse dedicated channel*, as disclosed in claims 1 and 15 of the present application, and it is respectfully requested that the rejection of these claims be withdrawn.

Because Claims 2-14 and 16-23 depend from Claims 1 and 15, respectively, it is believed that these claims are also patentable for at least the same foregoing reasons.

Applicants believe that claims 1-23 are in condition for allowance. If the Examiner has any questions regarding this communication or feels that an interview would be helpful in prosecuting this application, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Boulevard
Uniondale, New York 11553
516-228-8484

PJF/DMO/lah